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# ACTS OF ASSEMBLY

RELATING TO

# EDUCATION.

SESSION OF 1903.

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WM. STANLEY RAY,  
STATE PRINTER OF PENNSYLVANIA.  
1903.



*Pennsylvania. Laws, statutes, etc.*  
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# ACTS OF ASSEMBLY

RELATING TO

## EDUCATION.

SESSION OF 1903.

No. 3.

### AN ACT

Relating to school districts in townships, and boroughs erected therefrom.

Section 1. Be it enacted, &c., That whenever a borough has been or shall be erected out of a portion of a township, leaving the remaining portion of the township without a school-house, and with less than ten resident freeholders, and less than twenty-five resident children between the ages of six and sixteen years; then, and in such case, the creation of such borough shall not cause a division of the school district of the township out of which such borough was formed; but the school district, as it existed in such township before the creation of such borough, shall be and remain as theretofore: Provided, however, That whenever it shall be made to appear to the court of common pleas of the proper county, by petition of at least twenty freeholders of such undivided school district, and proper hearing, that the portion of such school district outside the borough has at least ten resident freeholders and twenty-five children, as aforesaid; then the said court, in its discretion, may decree that said school district shall be divided into two districts, one consisting of the territory within such borough, and the other to consist of the part of the original township territory not included within such borough lines.

Borough erected from portion of township.

School district.

Proviso.

Petition of freeholders.

Hearing.

Division of district.

Section 2. All laws or parts of laws, whether general or special, in conflict with this act are hereby repealed.

Repeal.

Approved—The 5th day of February, A. D. 1903.

SAML. W. PENNYPACKER.



## No. 4.

## AN ACT

To enable city, county, poor, township, ward, school, and borough tax collectors to collect taxes, for the payment of which they have become personally liable, or for which they shall during the year one thousand nine hundred and three become personally liable, without having collected the same, by expiration of the authority of their respective warrants or by the expiration of their term of office, and to extend the time for the collection of the same for the period of one year from the passage of this act.

Duplicates and warrants, and authority of collectors, extended for one year.

Proviso.

Proviso.

Proviso.

Section 1. Be it enacted, &c., That in all cases in which the period of two years, the limitation of the warrants in the duplicate of county, poor, city, township, ward, school, and borough tax collectors, have expired, and in all cases where the power and authority of said tax collectors have expired, or shall expire during the year one thousand nine hundred and three, by virtue of the expiration of their term of office, and said collector or collectors have or shall become liable for the amount of tax on said duplicates without having collected the same, the said duplicates and warrants, and the powers and authority of said tax collectors in all such cases, are hereby revived and extended for another period of one year from the passage of this act; and said collector or collectors are hereby authorized and empowered to proceed and collect said taxes from all persons who have not paid taxes assessed to them, residing in said district within which it may have been assessed, as well as from all persons who remove from said city, ward, township or townships, or boroughs, and have neglected to pay taxes so as aforesaid assessed, with like effect as if said warrant had not expired by the limitation of two years, aforesaid, or the term of office of said collector had not expired: Provided, That provisions of this act shall not apply to warrants issued prior to the year one thousand eight hundred and ninety-two, and that nothing contained in this act shall release any bondsman or security: Provided, That this act shall not apply to cities having special laws upon this subject: Provided, further, That no collector, nor the sureties thereof, who take advantage of this act shall be permitted to plead the statute of limitations in any action brought to recover the amount of said duplicate so extended and renewed.

Approved—The 13th day of February, A. D. 1903.  
SAML. W. PENNYPACKER.



## No. 65.

## AN ACT

To regulate the commitment of children under the age of sixteen years to institutions of correction or reformation.

Section 1. Be it enacted, &c., That no child under the age of sixteen years shall be committed by any magistrate or justice of the peace to any institution for the purpose of correction or reformation, but all applications for such commitment shall be made to the court of quarter sessions of the county.

Commitment of  
children under 16  
years of age.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Repeal.

Approved—The 26th day of March, A. D. 1903.

SAML. W. PENNYPACKER.

## No. 95.

## A SUPPLEMENT

To an act, entitled "An act for the establishment of free public libraries in the several school-districts of this Commonwealth, except in cities of the first and second class," approved the twenty-eighth day of June, Anno Domini one thousand eight hundred and ninety-five, authorizing school-districts to join in establishing and maintaining free public libraries, or to join in aiding those otherwise established.

Section 1. Be it enacted, &c. That when any township surrounds or immediately adjoins any borough within this Commonwealth, the school directors, boards, or organizations having control of the common schools of said borough and township, may join in the establishment and maintenance of a free, non-sectarian, public library in said borough or township, or partly in both, the expense of such establishment and maintenance to be borne by said borough and township, in such proportions as may be agreed upon by the school authorities of said respective school districts, and for that purpose may levy the taxes provided for in the act to which this is a supplement.

Certain town-  
ships.

Free, public, non-  
sectarian library.

Expense and  
maintenance.

Tax levy.

Section 2. When any township surrounds or immediately adjoins any borough within this Commonwealth, within either of which there is or shall be hereafter established, otherwise than under the provisions of the act to which this is a supplement, a free, non-sectarian, public school library, the school directors, boards, or organizations having control of the common schools of said districts, may, instead of establishing another public library and providing for its maintenance, join in extending aid to such library, already established, guaranteeing such aid, in such

Aid to existing  
library.

proportion, and on such terms as to control and management, as shall be agreed upon between the managers thereof and the school authorities of said respective districts; and for that purpose may levy the taxes provided for in the act to which this is a supplement, in the manner therein provided.

Section 3. The managers of any public library receiving aid under the provisions of this act, shall annually report to the school boards furnishing such aid, an account of the money so received, under the oath of the managers, or of their secretary and treasurer, and such account shall be subject to the jurisdiction of the auditors by whom the accounts of their respective school boards are audited, in like manner as their own accounts.

Agreement.

Tax levy.

Annual report.

Audit of account.

Approved—The 2d day of April, A. D. 1903.

SAML. W. PENNYPACKER.

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No. 98.

### AN ACT

Regulating the confinement of children, under the age of sixteen years, awaiting trial.

Duty of county commissioners.

Section 1. Be it enacted, &c., That it shall be the duty of the board of county commissioners, in each county of the Commonwealth, to provide in the county a separate room, or rooms, or a suitable building, to be used exclusively for the confinement of any and all children, under the age of sixteen years, who may be in custody, awaiting trial or hearing in the courts of the county.

Approved—The 3d day of April, A. D. 1903.

SAML. W. PENNYPACKER.

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No. 103.

### AN ACT

To provide for ascertaining whether an undue proportion of real estate and school-houses is within a school-district which has been or shall be hereafter enlarged by the annexation of a part, or parts, of a township or townships to a borough, and how much money shall be paid therefor by the enlarged district to the old district, or districts.

School-district, enlargement of.

Section 1. Be it enacted, &c., That whenever, heretofore, a common school-district has been, or hereafter shall be, enlarged by the annexation of a part

or parts of a township, or townships, the court of quarter sessions of the proper county shall determine, on hearing, whether an undue proportion of the real estate and school-houses belonging to the old district, or districts, is within the bounds of such enlarged district, and, if so, how much money shall be paid therefor by such enlarged district to the old district, or districts; and if any money be on hand, or debt unpaid, or any tax or other claims be uncollected, after the settlement of all such accounts prior thereto, the said court shall divide said money or debt amongst the districts, in such proportions,—and shall make such order as to uncollected tax or other claims,—as shall be just; and any sum, thus decreed to be due by any district to any district or individual, shall be entered in the nature of a judgment against the same, and shall be subject to execution, in the manner prescribed in the twenty-first section of the general common school law, on the eighth of May, one thousand eight hundred and fifty-four.

Proportion of  
real estate, etc.

Division of  
money or debt.

Approved—The 3d day of April, A. D. 1903.

SAML. W. PENNYPACKER.

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No. 108.

## AN ACT

Permitting children residing in school-districts having graded public schools, or graded courses of study, to attend public schools of higher grades or courses of study, including high schools, in other districts, under terms and conditions to be agreed upon by the school directors of the districts interested.

Section 1. Be it enacted, &c., That children residing in school-districts in which graded public schools, or graded courses of study, are or hereafter may be maintained, may attend the public schools of higher grades or courses of study, including high schools, in other districts; the cost of tuition, which shall not exceed that of the tuition of children in the same grade or courses in the districts maintaining said higher grades or courses and high schools, to be paid to the districts receiving such children, out of the moneys raised by taxation for common or public school purposes in the districts in which said children reside: Provided, however, That such attendance shall not begin until after provision for the same, and its duration, and for the expense of tuition according to the foregoing restrictions, has been made by the boards of directors of the districts interested, by security as required by existing laws.

Children of certain school-districts may attend schools of higher grade, including high schools in other districts.

Proviso.

Approved—The 3d day of April, A. D. 1903.

SAML. W. PENNYPACKER.

## No. 110.

## AN ACT

For the protection of the health of persons addicted to the smoking of cigarettes, and imposing a fine for the violation of its provisions.

Preamble.

Whereas, The smoking of cigarettes is injurious to the health of the young; therefore,

Sale of cigarettes  
or cigarette  
paper.

Misdemeanor.

Fine.

Section 1. Be it enacted, &c., That if any person or persons shall sell cigarettes or cigarette paper to any person, or persons, under the age of twenty-one years, he or she so offending shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not more than three hundred dollars, nor less than one hundred dollars.

Approved—The 4th day of April, A. D. 1903.

SAML. W. PENNYPACKER.

## No. 118.

## AN ACT

Regulating the minimum rate of salary of school-teachers in the Commonwealth of Pennsylvania, where school-districts receive State appropriations.

Minimum salary  
of school  
teachers.

Section 1. Be it enacted, &c., That on and after the first day of June, one thousand nine hundred and four, the minimum salary of school-teachers, teaching in the public schools of this Commonwealth, shall be thirty-five dollars per month.

Report.

Section 2. It shall be the duty of the president and secretary of the school-board, of each school-district in this Commonwealth, to make report, under oath, to the Superintendent of Public Instruction, that the requirements of this act have been fully complied with.

Forfeited.

Section 3. Every school-district of this Commonwealth failing to comply with the requirements of this act, shall forfeit its State appropriation for the whole time during which this act has been violated.

Approved—The 9th day of April, A. D. 1903.

SAML. W. PENNYPACKER.



## No. 132.

## AN ACT

To protect the public health, and prevent the spread of infectious and contagious diseases in this Commonwealth.

Whereas, Infectious and contagious diseases are very largely disseminated through the agency of the schools, from the want of proper disinfection of school buildings; therefore,

Section 1. Be it enacted, &c., That on and after the passage of this act, it shall be the duty of the board of school directors, trustees, or other person or persons having control of any school or college building, in any city of this Commonwealth, to adopt and immediately put into operation a modern method and system of disinfection, for the disinfection of such school or college buildings.

Section 2. And it shall further be the duty of such board of school directors, trustees, or other person or persons having control of any school or college building in any city of this Commonwealth, at regular intervals of not exceeding two weeks, to cause all of the school or college buildings under their control to be thoroughly disinfected, by means of the method and system which they may adopt in compliance with section one of this act.

Section 3. Whenever there exists in any city a local board of health for such city, the method and system of disinfection adopted by the board of school directors, trustees, or other person or persons having control of any school or college building in such city, shall be approved by such local board of health; in any city where no such local board of health exists, such method and system of disinfection, as aforesaid, shall be approved by the State Board of Health of this State.

Section 4. In operating such methods and system of disinfection, as aforesaid, the person or persons in charge of such duty shall, as far as practicable, perform such duty in such manner as not to interfere with the regular school sessions held in said school or college buildings, and it shall not be necessary, under this act, to perform such duty in any school or college building which is not used and occupied for school purposes.

Section 5. In order to fully and completely carry out the provisions of this act, and to defray the expenses necessary to equip and put into operation by the board of school directors, trustees, or other person or persons having control of any public or high school of this State, such method and system of disinfection, as aforesaid, there shall be set aside by such school

Whereas.

Cities.

Duty of school directors, etc.

Disinfection.

At regular intervals.

Approval of method by board of health.

Not to interfere with school sessions.

Portion of appro-  
priation for ex-  
penses.

directors, trustees, or other person or persons having control of any public or high school building, out of the funds biannually appropriated by this State, under the act "providing method of distributing the appropriation to common schools," sufficient money, necessary to defray the expenses incident thereto.

Neglect.

Fine.

Section 6. Any board of school directors, trustees, or other person or persons, charged under this act with the enforcement of any of its provisions, who shall neglect to properly enforce the same shall, upon complaint of State or local board of health to the court of common pleas of the proper county, pay a fine of not less than five dollars nor more than one hundred dollars.

Repeal.

Section 7. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved—The 14th day of April, A. D. 1903.

SAML. W. PENNYPACKER.

No. 149.

## AN ACT.

To provide for the payment of the expenses of the maintenance and instruction of children committed to the industrial schools, or institutions of like character which are not under State control, by the counties from which they have been sent, and providing a method for determining the amount due and collecting the same from said counties.

Children com-  
mitted to Indus-  
trial Schools, etc.

Payment by the  
county.

Proviso.

Per capita.

Proviso.

Section 1. Be it enacted, &c., That whenever a child shall have been committed by a court or judge thereof to any industrial school, or other institution of like character, or shall become an inmate thereof, whose parents or guardian are not of sufficient ability to pay the expense of maintaining and instructing such child, such maintenance and instruction shall be paid by the county from which such child shall have been committed: Provided, however, That the actual cost of maintaining and instructing such child shall be paid only, and in no event shall such per capita maintenance and instruction exceed the amount of per capita cost of maintenance and instruction of inmates of the House of Refuge.

And provided also, That the treasurer of such industrial school, or other institution of like character, shall transmit an account quarterly, to the commissioners of such county as may have become indebted for the maintenance and instruction of inmates in such industrial school, or other like institution, which account shall be signed by said treasurer and sworn or affirmed to by him, and attested by the superintendent

Account of treas-  
urer.

of the department of such industrial school, or other institution of like character, in which such inmates may be living. It shall be the duty of said commissioners immediately upon receipt of said accounts to order the treasurer of their respective counties to pay the same.

Approved—The 15th day of April, A. D. 1903.

SAML. W. PENNYPACKER.

## No. 166.

### AN ACT

To establish county associations of school-directors.

Section 1. Be it enacted, &c., That it shall be the duty of each county superintendent of schools to call together, during the school year beginning June, one thousand nine hundred and three, and annually thereafter, at the county seat, or some other suitable place in the county, all the school-directors of the county, for the consideration and discussion of questions pertaining to school administration. These annual meetings shall not be held during the week of the annual county teachers' institute.

School directors,  
annual meeting  
of.

Section 2. It shall be the duty of each school-director, in each of the districts of each county, to attend each annual meeting of school-directors, called by the county superintendent for the purpose of considering and discussing questions pertaining to school administration; and each school-director attending such annual convention shall receive, for his necessary expenses, mileage at the rate of three cents per mile, to be paid out of the funds of the district which he serves. But expenses shall not be paid for more than two days at any annual meeting.

Duty of school di-  
rectors.

Section 3. When the directors have assembled in such annual convention, they shall proceed at once to organize, by electing, from the directors present, a president, two vice-presidents, a secretary, and a treasurer, which officers shall continue for one year, and shall severally perform such duties as usually devolve upon such officers.

Per diem and  
Mileage.

Organization.

Officers.

Term.

Section 4. The officers of the Directors' Association shall serve also as a program committee; and shall prepare a suitable program for each annual meeting, secure competent speakers, and perform such other duties as may be necessary to the success of the meet-

Program commit-  
tees.



ing. The county superintendent shall be ex-officio a member of the program committee, and shall render such assistance to the officers of such association as they may require of him.

Program for first meeting.

To prepare a program for the first meeting, each county superintendent shall appoint, from among the school-directors of his county, a program committee of five members.

Payment by the county treasurers.

Section 5. To defray the necessary expenses of these meetings, the county treasurer of each county shall pay to the treasurer of the Directors' Association, from the county funds, one dollar for each director attending the annual meeting, but in no case shall the sum paid exceed one hundred dollars for each meeting. But before he shall receive this appropriation, the treasurer of the Directors' Association shall present to the county treasurer a statement, showing when and where the meeting was held, how many directors were present, what speakers were employed, and what expenses were incurred.

Statement of treasurer of Directors' Association.

Approved—The 21st day of April, A. D. 1903.

SAML. W. PENNYPACKER.

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No. 168.

## AN ACT

Relating to the collection of school taxes in boroughs and townships in this Commonwealth; requiring collectors to make monthly statements to secretary of the school-board of amounts collected, dates, and names of parties from whom collected, and to pay said taxes monthly to treasurer; and providing for meeting of school-directors and tax-collector, and for the collection and payment of all school taxes to treasurer on or before first Monday of June, in each year, and prescribing a penalty for the violation of the same.

School taxes in boroughs and townships.

Section 1. Be it enacted, &c., That each and every collector of school taxes in the several boroughs and townships of this Commonwealth shall hereafter, on or before the tenth day of each and every month, after receiving the duplicate containing a statement of the school tax to be collected by him, deliver to the secretary of the board of school-directors, from whom he has received such duplicate, a statement in writing, signed by him, showing the names of all of the persons from whom he has collected any school taxes upon his duplicates, to and including the last day of the preceding month, the amount collected from each, and the date of such collection, and also the amount of the uncollected school taxes upon the said duplicate, and shall at the same time, if required by the secretary

Statement of collector.

Contents of statement.

or any member of the school-board, exhibit the duplicate, showing the said uncollected taxes, for examination; and the said tax-collector shall pay over, on or before the said tenth day of each and every month during his term of office, to the treasurer of the school-district, all taxes so collected by him during the preceding month, less the commission or fees to which he is by law entitled for the collection of the same.

Collections shall be paid the treasurer on or before tenth of each month.

Section 2. It shall be the duty of the board of school directors and the collector of the school taxes, in each of the boroughs and townships of this Commonwealth, to meet together, at the usual meeting-place of the said school-board, on the first Monday of February of each and every year, and examine the duplicate of the school taxes, which the said collector is hereby required to produce and exhibit to the said board of school-directors, and ascertain the amount of the taxes then uncollected; and it shall be the duty of every such collector, on or before the first Monday of June thereafter, to collect, and pay to the treasurer of the proper school-district, the whole amount of the balance of the taxes charged and assessed in the said duplicate, excepting such sums from which the said school-directors, in their discretion, may exonerate him.

Board of school directors and collector shall meet together annually.

Duty of collector.

Section 3. Any tax-collector who shall fail to pay over to the treasurer of the proper school-district the taxes collected by him, according to the provisions of this act, or who shall fail to make and deliver to the secretary of the board of school-directors any of the statements in writing required by this act, or who shall fail to produce and exhibit the duplicate of the school taxes to the secretary of the board of school-directors or at a meeting of the board of school-directors, as required by the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars.

Failure of collector to make payment, etc.

Misdemeanor.  
Fine.

Section 4. All act or parts of acts inconsistent herewith are hereby repealed.

Repeal.

Approved—The 21st day of April, A. D. 1903.

SAML. W. PENNYPACKER.

## No. 172.

### AN ACT

Providing the manner by which independent school-districts of this Commonwealth, established by act of Assembly or the courts of quarter sessions, may be abolished, and providing for the disposition of the school property of such district.

Section 1. Be it enacted, &c., That in all cases where an independent school-district has been created by

Independent school districts.

Petition of citizens.

Discontinuance of district.

Reversion of property.

Repeal.

any of the courts of quarter sessions of the peace of this Commonwealth, or by act of Assembly, it shall be lawful for the court of quarter sessions of the county in which such independent district is located, upon application to said court of a majority of the taxable citizens resident within the limits of such independent school-district, by petition, setting forth that they desire the abolition of said district, to hear and determine the application upon its merits; and if deemed expedient, the said court shall discontinue the said independent district.

Section 2. If any such independent district be discontinued, as provided in section one of this act, the school property of such independent district shall revert to the districts out of which such independent district was originally created, and shall be apportioned among said districts in such manner as is required by existing laws.

Section 3. That the provisions of this act shall not apply to independent school-districts composed of parts of adjoining counties.

Section 4. All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved—The 22d day of April, A. D. 1903.

SAML. W. PENNYPACKER.

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No. 179.

## AN ACT

To amend the twenty-first section of an act, entitled "An act to provide for the more effectual protection of the public health in the several municipalities of this Commonwealth," approved the eighteenth day of June, Anno Domini one thousand eight hundred and ninety-five; limiting the time in which actions may be brought for the recovery of fines or penalties under said act.

Section 1. Be it enacted, &c., That section twenty-one of the act, entitled "An act to provide for the more effectual protection of the public health in the several municipalities of this Commonwealth," approved the eighteenth day of June, Anno Domini one thousand eight hundred and ninety-five, which reads as follows:

Section 21, act of June 18, 1895, cited for amendment.

"Section 21. Any physician, undertaker, principal of a school, superintendent of a Sunday school, sexton, janitor, head of a family, or any other person or persons named in this act, who shall fail, neglect or refuse to comply with, or who shall violate, any of the provisions or requirements of this act, shall, for every

such offense, upon conviction thereof before any mayor, burgess, alderman, police magistrate, or justice of the peace of the municipality in which said offense was committed, be liable to a fine or penalty therefor of not less than five dollars nor more than one hundred dollars; which said fines or penalties shall be paid into the treasury of said municipality; and in default of payment thereof, such person or persons, so convicted, shall undergo an imprisonment in the jail of the proper county for a period not exceeding sixty days," be and the same is hereby amended so as to read as follows:

Section 21. Any physician, undertaker, principal of a school, superintendent of a Sunday school, sexton, janitor, head of a family, or any other person or persons named in this act, who shall fail, neglect or refuse to comply with, or who shall violate, any of the provisions or requirements of this act, shall, for every such offense, upon conviction thereof before any mayor, burgess, alderman, police magistrate, or justice of the peace of the municipality in which said offense was committed, be liable to a fine or penalty therefor of not less than five dollars nor more than one hundred dollars; which said fines or penalties shall be paid into the treasury of said municipality; and in default of payment thereof, such person or persons, so convicted, shall undergo an imprisonment in the jail of the proper county for a period not exceeding sixty days: *Provided, however, That all actions for the recovery of any fine or penalty for the violation of any of the provisions of this act, shall be commenced within sixty days from the commission of the offence, and not afterwards.*

Fines and penalties.

To be paid into treasury of municipality.

Proviso.

Actions shall be commenced within 60 days of offense.

Approved—The 22d day of April, A. D. 1903.

SAML. W. PENNYPACKER.

No. 203.

## AN ACT

To designate the number of school directors to be elected in the several boroughs of the Commonwealth not divided into wards; to provide for their election, and for the filling of vacancies, and to fix the length of term for which they shall serve.

Section 1. Be it enacted, &c., That the number of members of any school-board of boroughs not divided into wards shall be six.

Boroughs not divided into wards.



Election of  
school directors.

Section 2. That it shall be lawful for the qualified voters of the boroughs of this Commonwealth which are not divided into wards, and boroughs not now enjoying this right by special statutes, at the first election for borough officers next ensuing the passage of this act, to elect two school directors to serve for one year, two to serve for two years, and two to serve for three years; and annually thereafter to elect, for a term of three years' duration, as many school directors as may be necessary to fill the places of those whose terms of office are about to expire.

Designation on  
ballot.

Section 3. At the first election for borough officers next ensuing the passage of this act, the qualified voters shall designate on their ballots for what length of time the persons thereon named shall serve, whether for one, two or three years.

Vacancies.

Section 4. That the members of any board of school directors shall have power to fill any vacancy which may occur therein by death, resignation, removal from the borough or otherwise, until the next annual election for school directors, when such vacancy shall be filled by electing a qualified citizen to supply the same for the balance of the unexpired term: Provided, That the qualified voters shall designate on their ballots that the person or persons thereon named are voted for to fill an unexpired term.

Proviso.

Directors elected  
under former  
laws.

Section 5. The school directors now in office, under existing laws, shall act conjointly with those who are to be elected under the provisions hereof at the first election for borough officers next ensuing the passage of this act, and act until the expiration of the term of said school directors now in office; but after their places have become vacant, either by a lapse of time or otherwise, their places shall not again be filled, and the office shall henceforth be at an end.

Appointment by  
the court.

Section 6. After the passage of this act, it shall be the duty of the judges of the courts of quarter sessions of the several counties to fill the offices created by this act, by the appointment of proper persons residing in the said boroughs, and the persons so appointed shall hold office until their successors are chosen at the next election of borough officers.

Section 7. All acts or parts of acts inconsistent here with are hereby repealed.

Approved—The 23d day of April, A. D. 1903.

SAML. W. PENNYPACKER.

## No. 205.

## AN ACT

Defining the powers of the several courts of quarter sessions of the peace, within this Commonwealth, with reference to the care, treatment and control of dependent, neglected, incorrigible and delinquent children, under the age of sixteen years, and providing for the means in which such power may be exercised.

Whereas, The welfare of the State demands that children should be guarded from association and contact with crime and criminals, and the ordinary process of the criminal law does not provide such treatment and care and moral encouragement as are essential to all children in the formative period of life, but endangers the whole future of the child;

Preamble.

And Whereas, Experience has shown that children, lacking proper parental care or guardianship, are led into courses of life which may render them liable to the pains and penalties of the criminal law of the State, although in fact the real interests of such child or children require that they be not incarcerated in penitentiaries and jails, as members of the criminal class, but be subjected to a wise care, treatment and control, that their evil tendencies may be checked and their better instincts may be strengthened;

And Whereas, To that end, it is important that the powers of the courts, in respect to the care, treatment and control over dependent, neglected, delinquent and incorrigible children, should be clearly distinguished from the powers exercised in the administration of the criminal law:

Section 1. Be it enacted, &c., That the courts of quarter sessions of the peace, within the several counties of this Commonwealth, shall have and possess full jurisdiction in all proceedings which may be brought before them affecting the treatment and control of dependent, neglected, incorrigible and delinquent children, under the age of sixteen years; and for the purpose of this act the words "dependent child" and "neglected child" shall mean any child who is destitute, homeless, abandoned, or dependent upon the public for support, or who has not proper parental care or guardianship. The words "incorrigible children" shall mean any child who is charged by its parent or guardian with being unmanageable. The words "delinquent child" shall mean any child, including such as have heretofore been designated "incorrigible children," who may be charged with the violation of any law of this Commonwealth, or the ordinance of any city, borough or township.

Jurisdiction of courts of quarter sessions.

"Dependent child and neglected child" defined.

"Incorrigible children."

"Delinquent child."

The powers of the court of quarter sessions of the peace, as provided for in this act, may be exercised by

Assignment of judge.

Juvenile court.

Sessions.

Records.

Powers of the court.

Petition.

Certificate of magistrate or justice of the peace.

Certificate of the district attorney.

Action of the judge.

Power of the judge.

Custody and control of the child.

Appointment of probation officers.

any one or more judges of such court, who may be assigned for the purpose at a session of said court, which shall be known as the juvenile court; and all sessions of such juvenile court shall be held separate and apart from any session of the court held for the purpose of its general criminal or other business, and the records of the proceedings of such juvenile court shall be kept in a docket, separate from all other proceedings of said court.

Section 2. The powers of the court may be exercised:

(1) Upon the petition of any citizen, resident of the county, setting forth that a child is neglected, dependent or delinquent, and is in need of the care and protection of the court.

(2) Whenever any magistrate or justice of the peace, in committing a child arrested for an indictable offence, shall certify that, in his opinion, the good of the child and the interests of the State do not require a prosecution upon an indictment, under the criminal laws of the Commonwealth.

(3) Whenever, after return made by a magistrate of the proceedings, upon the arrest of such delinquent child for an indictable offence, the district attorney of the county, either before or after the indictment, shall certify that, in his opinion, the good of the child and the interests of the State do not require a prosecution upon an indictment, under the criminal laws of this Commonwealth.

(4) Whenever, upon the trial of any indictment of such delinquent child, the judge trying the cause is of opinion that the good of the child and the interests of the State do not require a conviction under the criminal laws of this Commonwealth.

Upon the filing of any petition, as above set forth, or whenever the jurisdiction of the court has attached by the filing of a certificate of a magistrate or justice of the peace, or of the district attorney, or by the action of a judge, as above set forth, it shall be within the power of the judge, holding said juvenile court, to make all necessary orders for compelling the production of such child, and the attendance of the parents and all persons having the custody or control of the child, or with whom the child may be; and pending the final disposition of any case, the child shall be subject to the order of the court, and may be permitted to remain in the control of its parents or the person having it in charge, or of the probation officer, or may be kept in some place provided by the State or county authorities, or by any association having for one of its objects the care of delinquent or neglected children, as the court may order.

Section 3. The court shall appoint or designate one or more discreet persons, of good character, to serve as probation officers during the pleasure of the court;



said probation officers to receive no compensation from the public treasury; and it shall be the duty of all probation officers, so appointed, to make such investigations as may be required by the court, to be present in court when the case is heard, and to furnish to the court such information and assistance as the judge may require, and to take such charge of any child, before and after trial, as may be directed by the court.

Duties of.

Section 4. At the hearing, the judge or judges holding such session of the court shall determine, after an inquiry into the facts, what order for the commitment and custody and care of the child, the child's own good and the best interests of the State may require; and may commit such child to the care of its parents, subject to the supervision of a probation officer, or to some suitable institution, or the care of some reputable citizen of good moral character, or to the care of some training school, or to an industrial school, or the care of some association willing to receive it; and in either such case it shall be within the power of the court to make an order upon the parent or parents of any such child to contribute to the support of the child, such sum as the court may determine; it being further provided that, in all cases in which a delinquent child shall be committed to the care of a reformatory institution, when such child shall be discharged from such institution the court shall be duly advised thereof, and a record of such discharge shall be kept in the juvenile court docket.

Commitment of child.

Order on parents or guardians.

Proviso.

Discharge from reformatory institution.

Record of.

Section 5. In any case where the court shall award a dependent child to the care of any association or individual, in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward, and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home, with or without indenture, and may be made party to any proceedings for the legal adoption of the child, and may, by its or his attorney or agent, appear in any court where such proceedings are pending and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. Such guardianship shall not include the guardianship of any estate of the child.

Ward.  
Guardianship.

Legal adoption.

Guardianship not to include estate.

Section 6. In the case of a delinquent child, the court may continue the hearing from time to time; and may commit the child to the care and guardianship of a probation officer, duly appointed by the court, and may allow said child to remain in its own home, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required, and subject to be returned to the court, for further proceedings, whenever such action

Care of the child.

may appear to be necessary; or the court may commit the child to the care and guardianship of the probation officer, to be placed in a suitable family home, subject to the supervision of such probation officer; or it may authorize the said probation officer to board out the said child in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment; or the court may commit the child to a suitable institution for the care of delinquent children, or to any society, duly incorporated, having for one of its objects the protection of dependent or delinquent children.

Unlawful to confine child in jail, police station, etc.

Section 7. No child, pending a hearing under the provisions of this act, shall be held in confinement in any county or other jail, police station, or in any institution to which adult convicts are sentenced.

Limit of commitment.

Section 8. No order for the commitment of any child, in any proceedings had under this act, shall extend to a period beyond when such child shall attain the age of twenty-one years.

Religious belief, etc.

Section 9. The court, in making all orders for the commitment of children, shall place them, as far as possible, in care and custody of persons having the same religious belief as the parents of the child, or with some association which is controlled by persons of such religious belief; and shall, as far as possible, provide, in making orders of commitment, that the care, custody and discipline of the child shall be as nearly as possible that which should be given by its parents. In all cases where it can properly be done, the child shall be placed in an approved family home, and become a member of the family by legal adoption or otherwise.

Approved family home.

Under the age of 12 years.

Section 10. It shall not be lawful to commit the custody of any delinquent child, under the age of twelve years, to any institution of correction or reformation, unless, after the care and oversight given such child under the probation system provided for by this act, the court finds that the best interests of the child and the welfare of the community require such commitment; and it shall not be lawful to commit the custody of any neglected or dependent child, who is delinquent, to any institution of correction or reformation in which delinquent children are received, nor shall any delinquent child be committed to any institution in which dependent or neglected children are received.

Trials upon indictment.

Section 11. Nothing herein contained shall be in derogation of the powers of the courts of quarter sessions and oyer and terminer to try, upon an indictment, any delinquent child who, in due course, may be brought to trial.

Section 12. An act, entitled "An act to regulate the treatment and control of dependent, neglected and delinquent children, under the age of sixteen years; providing for the establishment of juvenile courts; regulating the practice before such courts; providing for the appointment of probation officers; prohibiting the commitment to jail or police station of a child under fourteen years of age; providing for the appointment, compensation and duties of agents of juvenile reformatories; imposing certain duties upon the Board of Public Charities of this State; regulating the incorporation of associations for the care of dependent, neglected or delinquent children; prohibiting foreign associations from placing children in homes in this State, for adoption or under indenture, except under certain conditions; providing for the appointment of a board of visitors, and repealing acts and parts of acts inconsistent with the provisions of this act," approved the twenty-first day of May, one thousand nine hundred and one, and all acts or parts of acts inconsistent herewith are repealed.

Act of May 21,  
1901, cited.

Repeal.

Approved—The 23d day of April, A. D. 1903.  
SAML. W. PENNYPACKER.

## No. 216.

### AN ACT

To prevent officers or members of boards of managers of institutions receiving appropriations of State money from selling supplies to such institutions, or acting as agent for the sale of the same.

Section 1. Be it enacted, &c., That it shall not hereafter be lawful for any officer or member of the board of managers of an institution, at a time when said institution is receiving State moneys from legislative appropriations, to furnish supplies to such institution, either by direct sale or sale through an agent or firm, or to act as an agent for another in so furnishing supplies.

Officers of institutions receiving State aid shall not sell supplies to same.

Any person who may violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine not exceeding five hundred (500) dollars, or by imprisonment not exceeding one year, or both fine and imprisonment, at the discretion of the court.

Misdemeanor.

Fine and penalty.

Approved—The 23d day of April, A. D. 1903.  
SAML. W. PENNYPACKER.

No. 237.

## A SUPPLEMENT

To an act approved twenty-third day of May, one thousand eight hundred and eighty-nine, entitled "An act for the incorporation and government of cities of the third class," providing for the adjustment of the indebtedness of such cities, and boroughs or townships annexed thereto.

Cities of the  
third class.

Annexation of  
borough or town-  
ship, etc.

Existing indebted-  
ness of cities.

Existing indebted-  
ness of borough or  
township, etc.

By ordinance to  
levy separate  
rates of taxation.

Section 1. Be it enacted, &c., That whenever any borough or township, or part of township, adjoining any city of the third class, and being part of the county in which the same is situated, shall hereafter be annexed to such adjoining city in the manner prescribed by article three of the act, entitled "An act providing for the incorporation and government of cities of the third class," approved May twenty-third-one thousand eight hundred and eighty-nine, the existing indebtedness and liabilities, and the interest thereon, of each of said cities, contracted prior to such annexation (excepting any and all funded indebtedness for the construction of sewers, waterworks, gas or electric light plants, or public buildings), shall be paid by such city; and the existing indebtedness and liabilities, and the interest thereon, of each of said boroughs, townships, or parts of townships, shall be paid by the same respectively, as the case may be. And for the liquidation of debts and liabilities, and the interest thereon, the authorities of such city shall have power to adjust and provide for the same by ordinance, and to levy separate rates of taxation on all persons and property subject to taxation, within the boundaries of such city, borough, township, or part of township, respectively, as the case may be, for the purposes aforesaid.

Approved—The 25th day of April, A. D. 1903.

SAML. W. PENNYPACKER.

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No. 260.

## AN ACT

For the annexation of any city, borough, township, or part of a township, to a contiguous city, and providing for the indebtedness of the same.

Annexation of a  
city, borough,  
township, etc.

Section 1. Be it enacted, &c., That any city, borough, township, or part of a township, may become annexed to any contiguous city in the same county, in the following manner, namely:



There shall be presented to the court of quarter sessions of the county a petition, signed by at least twenty per centum of the qualified voters, as shown by the registry lists for the last preceding general election of the city, borough, township, or part of a township, desiring annexation to a city under this act; and, in case such petition is for the annexation of a part of a township, there shall be a plan attached showing such portion, and the petition shall only be signed by qualified voters as above defined, and residing in such portion. The petition shall be subscribed by the petitioners within three months immediately preceding the presentation thereof to the court, and shall be verified by affidavit of one or more of the petitioners.

Procedure.

Petition of qualified voters.

Part of township.

Time of signing petition.

Affidavit.

Section 2. The petition shall be filed, and thereupon the court shall direct notice to be given to the chief executive officer of the city to which the annexation is proposed to be made; and it shall be the duty of the councils of such city, within three months from the date of said notice, to, by ordinance, consent to or disapprove the proposed annexation. If the councils disapprove, then there shall be no further proceedings under that petition; but if the councils approve, then the court shall direct such notice to be given the people of the territory proposed to be annexed as the court shall consider to be proper and reasonable, and the said notice shall state a reasonable date thereafter at which the petition will be considered and all parties heard.

Notice to executive officer of city.

Duty of councils.

Notice to the people.

Upon the date fixed for the hearing, or as soon thereafter as practicable, the court shall hear the case; and, if the requirements of this act have been complied with, then shall order an election to be held in the petitioning city, borough, township or any part thereof, referred to in the petition, upon the question of annexation. If such order be made within three months and more than thirty days before the date of any general election, such election shall be held at such general election; otherwise, it shall be held at such date as the court shall fix, but in no case within thirty days from the making of such order.

Hearing.

Order.

Time for holding election.

Section 3. The court shall direct that notice be given by advertisements or hand-bills, or both, of the time of such election; and shall also order the county commissioners to prepare separate ballots for such election, which shall read on the outside "Annexation" and on the inside "For Annexation" or "Against Annexation," and said commissioners shall provide for the placing of such ballots at the polling-places, at the opening of the polls on the day fixed, and for separate ballot-boxes to receive the ballots.

Notice of election.

Ballots.

Ballot boxes.

Mode of conducting election.

Section 4. The election shall be held at the regular polling-places, and by the regular election officers, or, in case of their absence, their places shall be filled as provided by law. In receiving and counting, and in making returns of, the votes cast, the inspectors, judges and clerks of said election shall be governed by the laws of this Commonwealth regulating municipal elections; and the vote shall be counted by the court as is now provided by general laws governing municipal elections, and all the penalties of the said election laws, for the violation thereof, shall apply to the voters, inspectors, judges and clerks voting at, and in attendance upon, the elections held under the provisions of this act. The result of the election shall be certified to the court of quarter sessions having jurisdiction of the proceedings.

Result shall be certified to the court.

Decree.

Dismissal.

Section 5. If it shall appear by the vote when counted that a majority has voted for annexation, the court shall enter a decree accordingly; otherwise, the proceedings shall be dismissed. In case the proceedings shall be dismissed, no petitions from that city, borough, township, or part of a township, shall thereafter be presented unless signed by twenty per centum of the qualified voters thereof, as shown by the registry lists for the last preceding general election; and the court shall exercise its discretion as to allowing such petitions to be filed: Provided, however, That should the court permit such petition to be filed, no election shall be ordered to be held within two (2) years from the date of the former election on such annexation. If in such case the court allows the petition to be filed, the proceedings shall be as herein provided for the first petition.

Proviso.

Annexation.

Annexed territory shall pay indebtedness.

Annual tax.

Indebtedness of city.

Commissioners.

Section 6. If a decree be entered for annexation, on the first Monday of January thereafter the territory so annexed shall become a part of the city to which it is annexed. The territory annexed shall pay its own floating and bonded indebtedness and the interest thereon, as said floating and bonded indebtedness exists at the time of annexation, and for that purpose an annual tax shall be levied by the city to which it is annexed, and which shall be levied upon the subjects of taxation in such annexed territory only. Such annexed territory shall not be liable for the floating or bonded indebtedness of the city to which it is annexed, as the same shall exist at the time of annexation; but the same shall be provided for, principal and interest, by an annual tax, to be levied by such city upon the subjects of taxation within its limits. In case of annexation, the court may appoint commissioners to ascertain the floating and bonded indebtedness of the territory annexed and of the city to which it is annexed. An account shall be taken of all moneys on

hand or receivable, applicable to the payment of the floating or bonded indebtedness of the respective portions at the date of annexation, and such money shall be applied in payment of the floating or bonded indebtedness of the respective portions. The territory annexed shall, as soon as practicable, be arranged into wards of the city to which it is annexed.

Wards.

In the meantime, the councilmen of the city annexed shall become members of the proper branches of councils of the city; and the members of council of an annexed borough shall be members of the common councils of the city, and remain until the expiration of the terms for which they were elected, and until their successors are duly qualified under the arrangement of the territory into wards.

Councilmen of annexed city.

Borough councilmen.

Term.

Approved—The 28th day of April, A. D. 1903.

SAML. W. PENNYPACKER.











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